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signature page*

7 | Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

12 JOEL RIVERA, an individual on behalf  
of himself and all others similarly  
13 situated.

Case No. CV-08-05723 MMM (AGRx)

14 Plaintiffs,

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

15 | VS.

**Hon. Margaret M. Morrow**

16 INDYMAC BANKCORP, INC., a  
17 Delaware Corporation; FEDERAL  
DEPOSIT INSURANCE  
18 CORPORATION, as Receiver for  
INDYMAC BANK, F.S.B.; and DOES 1  
through 100, inclusive,

**Defendants.**

## **STIPULATION OF DISMISSAL WITH PREJUDICE**

This stipulation is entered into by and among Plaintiff Joel Rivera ("Rivera"), on behalf of himself individually, and Defendants Federal Deposit Insurance Corporation, in its capacity as Receiver for IndyMac Bank, F.S.B., ("FDIC-Receiver"), and IndyMac Bancorp, Inc. ("IndyMac Bancorp"). Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Rivera and Defendants FDIC-Receiver and IndyMac Bancorp, representing all parties who have appeared in this action, hereby stipulate that this action shall be dismissed with prejudice. The dismissal of Plaintiff's individual claims has no purported class-wide effect, is without prejudice to any putative class members' rights, and therefore notice of dismissal of this putative class action is not necessary or required. Each party shall bear its own costs and fees.

12 On September 19, 2008, the Court ordered that this action be stayed for 90  
13 days, through December 18, 2008, pursuant to a Stipulation to Stay Proceedings filed  
14 by the parties on September 8, 2008. In light of this Stipulation of Dismissal With  
15 Prejudice, the parties hereby stipulate that the 90-day stay may be lifted so that this  
16 Stipulation of Dismissal may be filed, and this action dismissed with prejudice  
17 pursuant to Fed. R. Civ. P. 41(a).

## IT IS SO STIPULATED.

1 Dated: December 15, 2008

DAVID P. MEYER &amp; ASSOCIATES CO., LPA

2 By: 

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35 Attorneys for Plaintiff

1 Dated: December 29, 2008

DYKEMA GOSSETT LLP  
Thomas M. Hanson  
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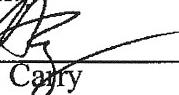
3 By:   
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5 BAKER BOTTS LLP  
6 Kirk K. Van Tine  
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Ryan E. Bull  
Mary J. Schmid

8 Attorneys for Defendant  
9 Federal Deposit Insurance Corporation, as  
Receiver for IndyMac Bank, F.S.B.

10 Dated: December 29, 2008

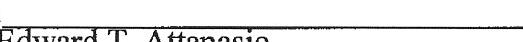
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14 Attorneys for Defendant IndyMac  
15 Bancorp, Inc.

16 Dated: December       , 2008

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20 Bankruptcy Counsel for Alfred H. Siegel,  
21 Chapter 7 Trustee for Defendant Indymac  
22 Bancorp, Inc.

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1 Dated: December \_\_\_\_ , 2008

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10 Dated: December \_\_\_\_ , 2008

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15 Dated: December 22, 2008

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19 Chapter 7 Trustee for Defendant Indymac  
20 Bancorp, Inc.

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed *via* the Court's electronic filing system this 15<sup>th</sup> day of January, 2009, and was hereby served upon all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Marnie C. Lambert

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Marnie C. Lambert, Attorney for Plaintiffs